

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-2776

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Meric Alan Murphy,

Petitioner,

v.

Marion C. Blakey, Administrator,  
Federal Aviation Administration,

Respondent.

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Petition for Review of an Order  
of the National Transportation  
Safety Board.

[UNPUBLISHED]

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Submitted: April 6, 2004

Filed: April 15, 2004

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Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Meric Alan Murphy petitions for review of an order of the National Transportation Safety Board (NTSB) denying his challenge to the suspension of his pilot's license. For the following reasons, we deny the petition.

The Federal Aviation Administration (FAA) suspended Murphy's commercial pilot certification for 60 days for violating 14 C.F.R. § 91.13(b) (2001) (no person may operate aircraft on any surface of airport in careless or reckless manner so as to endanger life or property of another). Murphy appealed and, after a hearing, an

administrative law judge (ALJ) affirmed the suspension. Murphy then appealed to the full NTSB, which denied his appeal and affirmed the ALJ's decision. Murphy now argues that the FAA did not satisfy its burden of proof.

We disagree. Substantial evidence supported the agency's factual findings. Unrebutted testimony at the hearing established that Murphy was asleep in an idling and unsecured aircraft, and that at some point he left the idling aircraft. See Reder v. FAA, 116 F.3d 1261, 1263 (8th Cir. 1997) (deferential standard of review requires affirming so long as agency decision is not arbitrary, capricious, abuse of discretion, or otherwise not supported by law); Erickson v. NTSB, 758 F.2d 285, 288 (8th Cir. 1985) (NTSB's inference from circumstantial evidence that violation of regulation occurred is not impermissible step if supported by substantial evidence).

Accordingly, we deny Murphy's petition for review.

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